

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
R. ABOVITZ, et al.  
  
Serial No.: 09/978,599  
  
Filed: October 16, 2001  
  
For: **DIGITAL MINIMALLY  
INVASIVE SURGERY  
SYSTEM**

Last Office Action Dated:  
December 4, 2002

Attorney Docket No.:  
ZKTZ 2 00014

Examiner: D. SHAH

Art Unit: 3737

Confirmation: 5128

Cleveland, OH 44114  
February 13, 2004

#6/I.D.S.

**RECEIVED**

FEB 23 2004

GROUP 3700

**37 CFR 1.97(c)(1)**  
**INFORMATION DISCLOSURE STATEMENT**

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The applicants wish to bring the January 22, 2004 Search Report from the European Patent Office in connection with the corresponding PCT to the attention of the Examiner. Copies of the Search Report and the cited references are enclosed. The applicants also enclose a form PTO-1449 listing the cited references for the Examiner's convenience. An early indication that the cited references have been considered is requested.

It is noted that all but four of the initially presented claims are indicated as containing allowable subject matter. An early allowance of all claims in the US application is requested.

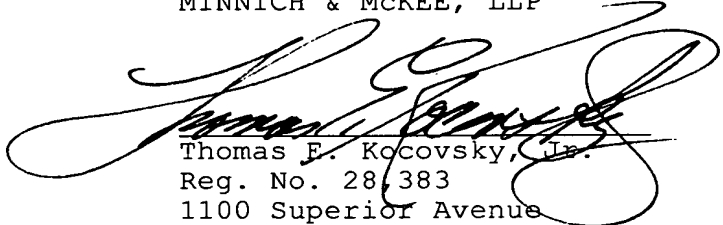
**37 CFR 1.97(e)(1) Statement**

Each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

An early allowance of all claims is requested.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & MCKEE, LLP



Thomas E. Kocovsky, Jr.  
Reg. No. 28,383  
1100 Superior Avenue  
Seventh Floor  
Cleveland, OH 44114-2518  
(216) 861-5582

**CERTIFICATE OF MAILING**

I hereby certify that this **INFORMATION DISCLOSURE STATEMENT, FORM PTO-1449 AND REFERENCES** in connection with U.S. Patent Application Serial No. 09/978,599 are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 17<sup>th</sup> day of February, 2004.

By: Hilary M McNulty